UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA

Plaintiff,)) MDL No. 2873
Tidilidii,)
v.) Master Docket No. 2:18-mn-2873
3M COMPANY (f/k/a Minnesota Mining and Manufacturing, Co.), TYCO FIRE) Judge Richard Mark Gergel)
PRODUCTS LP, CHEMGUARD, INC., BUCKEYE FIRE EQUIPMENT) Civil Action No. 2:18-CV-03487
COMPANY, NATIONAL FOAM, INC., KIDDE FENWAL, INC., DYNAX)
CORPORATION, E.I. DU PONT DE) Plaintiff's Notice of Filing Limiting Jury
NEMOURS AND COMPANY, THE CHEMOURS COMPANY FC, L.L.C.,) Instruction
CORTEVA, INC., DUPONT DE)
NEMOURS, INC., BASF CORPORATION,)
individually, and as successor in interest to	
Ciba Inc., and CLARIANT)
CORPORATION, individually, and as)
successor in interest to Sandoz Chemical)
Corporation.	<i>)</i>)
Defendants.)

Please Take Notice that pursuant to the Court's directive when ruling on 3M's MIL #1 (ECF No. 3125),¹ Plaintiff has conferred with counsel for 3M regarding a proposed limiting instruction to address the 2006 EPA Settlement Agreement between EPA and 3M. As the parties were unable to agree upon a joint limiting instruction, Plaintiff submits its proposed limiting instruction (attached), which adheres to the instruction referenced in *In re E.I. Du Pont de Nemours*

¹ "The Court will consider, however, providing a limiting instruction for the Settlement Agreement. The parties are encouraged to meet and confer in good faith as to the drafting of such a limiting instruction in advance of the June 1, 2023 pretrial hearing in this matter." *Id.* at 4.

& Co. C-8 Pers. Injury Litig., No. 2:13-md-2433, 2016 U.S. Dist. LEXIS 19880, at *1321-23 (S.D. Ohio Feb. 17, 2016).

Dated: May 31, 2023 Respectfully submitted,

s/ Fred Thompson, III
Fred Thompson, III
Motley Rice LLC
28 Bridgeside Boulevard
Mt. Pleasant, SC 29464
P: (843) 216-9000
Fax: 843-216-9440

fthompson@motleyrice.com

Plaintiffs' Liaison Counsel

-and-

s/Michael A. London
Michael A. London
Douglas and London PC
59 Maiden Lane
6th Floor
New York, NY 10038
P: (212)-566-7500
F: (212)-566-7501
mlondon@douglasandlondon.com

Paul J. Napoli Napoli Shkolnik PLLC 1301 Avenue of The Americas 10th Floor New York, NY 10019 P: (212)-397-1000 F: (646)-843-7603 pnapoli@napolilaw.com

Scott Summy
Baron & Budd, P.C.
3102 Oak Lawn Avenue
Suite 1100
Dallas, TX 75219
P: (214)-521-3605
ssummy@baronbudd.com

CERTIFICATE OF SERVICE

I hereby certify that on May 31, 2023, I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

s/ Fred Thompson, III
Fred Thompson, III
Motley Rice LLC
28 Bridgeside Boulevard
Mt. Pleasant, SC 29464
P: (843) 216-9000

Fax: 843-216-9440

fthompson@motleyrice.com

Plaintiffs' Liaison Counsel